

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. ) No. 4:14-CR-00366 HEA  
 )  
OLAJUWON DAVIS, )  
 )  
Defendant. )

PLEA HEARING

BEFORE THE HONORABLE HENRY E. AUTREY  
UNITED STATES DISTRICT JUDGE

JUNE 2, 2015

APPEARANCES:

For Plaintiff: Kenneth R. Tihen, Esq.  
OFFICE OF U.S. ATTORNEY  
111 South Tenth Street, 20th Floor  
St. Louis, MO 63102

For Defendant: John M. Lynch, Esq.  
LAW OFFICES OF JOHN M. LYNCH, LLC  
7777 Bonhomme Ave., Suite 1200  
Clayton, MO 63105

REPORTED BY: ANGELA K. DALEY, CSR, RMR, FCRR, CRR  
Official Court Reporter  
United States District Court  
111 South Tenth Street, Third Floor  
St. Louis, MO 63102  
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PRODUCED BY COURT REPORTER COMPUTER-AIDED TRANSCRIPTION

(PROCEEDINGS STARTED AT 11:25 A.M.)

(THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT AND WITH  
THE DEFENDANT PRESENT.)

THE COURT: This is the matter of United States of America versus Olajuwon Davis, also known as Ali, also known as Brother Ali, also known as Olajuwon Akeem Ozreal Raheem Lamar Xavier Ali, case number 4:14-CR-00366 HEA. Let the record reflect that the matter is now before the Court on notice of change of plea, and the parties in that regard have now provided to the Court a document entitled Guilty Plea Agreement which consists of 25 pages. Let the record also reflect that the defendant is now present in open court with counsel, Mr. John Lynch; the Government is present through Mr. Ken Tihen. Mr. Lynch, on behalf of the defendant, are you ready to proceed?

MR. LYNCH: Yes, Your Honor.

THE COURT: Mr. Tihen, on behalf of the Government, are you ready to proceed?

MR. TIHEN: Yes, sir.

THE COURT: Will you swear in the defendant please.

(DEFENDANT SWORN BY THE CLERK.)

THE COURT: Would you state your name for the record please.

THE DEFENDANT: Olajuwon Davis.

THE COURT: And did you hear the statement that I

1 just made?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And is that a true and correct statement  
4 of why we are in court today?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And do you understand in that regard that  
7 before I can accept your plea of guilty, there are a series of  
8 questions that I have to ask you to be sure your plea is  
9 valid, all right?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: So as we go through this process, if I  
12 say something and you don't hear me, let me know and I will  
13 speak louder. If I say something and you don't understand me,  
14 let me know that as well and I will repeat it or rephrase it.  
15 And if you need to speak with your attorney at any time, let  
16 me know that and I will give you that opportunity, all right?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right. Also keep in mind that you  
19 have taken an oath to answer all these questions truthfully,  
20 which means your failure to do so could cause the Government  
21 to come back against you with a new indictment for perjury,  
22 okay?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Any questions about any of that?

25 THE DEFENDANT: No, sir.

1 THE COURT: All right. How old are you, sir?

2 THE DEFENDANT: Twenty-three years old.

3 THE COURT: How far in school have you gone?

4 THE DEFENDANT: I did three years at the University  
5 of Missouri-Kansas City.

6 THE COURT: And what was your major while there?

7 THE DEFENDANT: Economics.

8 THE COURT: Do you have any difficulty hearing?

9 THE DEFENDANT: No, I don't think so.

10 THE COURT: Do you have any difficulty speaking or  
11 understanding English?

12 THE DEFENDANT: No.

13 THE COURT: Have you taken any kind of medication  
14 before coming to court today that might keep you from  
15 understanding what is going on in court today?

16 THE DEFENDANT: No, sir.

17 THE COURT: Have you used any alcohol or drugs before  
18 coming to court today?

19 THE DEFENDANT: No, sir.

20 THE COURT: Have you used any alcohol or drugs within  
21 the last 36 hours?

22 THE DEFENDANT: No, sir.

23 THE COURT: Have you ever been diagnosed as having or  
24 treated for having any type of mental illness or mental  
25 disease?

1 THE DEFENDANT: No, sir.

2 THE COURT: Have you ever used or taken any type of  
3 medication that might ordinarily be used to treat mental  
4 illness or mental disease?

5 THE DEFENDANT: No, sir.

6 THE COURT: How are you feeling today, Mr. Davis?

7 THE DEFENDANT: I am feeling well, sir.

8 THE COURT: All right. In your own words, tell me  
9 why you have come to court today.

10 THE DEFENDANT: Well, I have come to court today to  
11 accept responsibility for my mistakes for breaking the law.

12 THE COURT: All right. And with respect to the  
13 charges that are now pending before you, what do you want to  
14 do with those charges?

15 THE DEFENDANT: Plead guilty, sir.

16 THE COURT: All right. Do you know of any reason why  
17 the Court should not conclude that your client is competent to  
18 proceed at this time, Mr. Lynch?

19 MR. LYNCH: I do not, Your Honor.

20 THE COURT: Mr. Tihen?

21 MR. TIHEN: No, sir.

22 THE COURT: Let the record then reflect that upon the  
23 examination of the defendant and upon inquiry of counsel, the  
24 Court concludes that defendant is competent to proceed at this  
25 time. Now, Mr. Davis, have you had enough time to review your

1 case with your attorney?

2 THE DEFENDANT: Yes, I have.

3 THE COURT: And are you satisfied with the advice  
4 that he has given you?

5 THE DEFENDANT: Yes, I am.

6 THE COURT: Has he answered all of your questions  
7 fully, completely, and to your satisfaction?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Is there anything that you needed to know  
10 about your case or that you wanted to know about your case  
11 that you are still confused about?

12 THE DEFENDANT: No.

13 THE COURT: Is there anything about your case that  
14 you still don't understand?

15 THE DEFENDANT: No, sir.

16 THE COURT: Were there any witnesses that you wanted  
17 your lawyer to contact or that your lawyer should have  
18 contacted but did not contact?

19 THE DEFENDANT: No, not that I know of.

20 THE COURT: Was there any investigation that you  
21 wanted your lawyer to do or that your lawyer should have done  
22 but did not do?

23 THE DEFENDANT: No.

24 THE COURT: Was there any information that you wanted  
25 your attorney to get from the Government regarding your case

1 or that your attorney should have received from the Government  
2 regarding your case that your lawyer didn't get?

3 THE DEFENDANT: No.

4 THE COURT: Was there anything at all that you wanted  
5 your lawyer to do for you in this matter that your lawyer has  
6 failed to do or refused to do in your behalf?

7 THE DEFENDANT: No.

8 THE COURT: Are you fully satisfied with the work  
9 that Mr. Lynch has provided for you?

10 THE DEFENDANT: Yes, I am.

11 THE COURT: Do you have any complaints against him in  
12 any way about any matter as your attorney?

13 THE DEFENDANT: No.

14 THE COURT: And do you understand that when you plead  
15 guilty here today, it means you are giving up your right to a  
16 trial by jury?

17 THE DEFENDANT: That's right.

18 THE COURT: You understand that the Constitution and  
19 laws of this nation guarantees you the right to have your case  
20 decided by a jury of 12 impartial citizens?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And did you discuss this with your  
23 attorney?

24 THE DEFENDANT: Yes, I did.

25 THE COURT: And as a result of that discussion, have

1 you now concluded that, in fact, what you want to do is give  
2 up your right to a trial by jury and plead guilty in this  
3 case?

4 THE DEFENDANT: Yes, I do.

5 THE COURT: All right. Do you understand that if you  
6 did go to trial, you would be presumed innocent, and it would  
7 be the obligation of the Government to prove you guilty beyond  
8 a reasonable doubt by competent evidence?

9 THE DEFENDANT: Yes.

10 THE COURT: Do you further understand that you would  
11 not be required to present any kind of evidence to prove  
12 yourself innocent?

13 THE DEFENDANT: Yes.

14 THE COURT: You further understand if you were to go  
15 to trial in this matter, you would have the right to confront  
16 any and all witnesses that the Government might have against  
17 you?

18 THE DEFENDANT: Yes.

19 THE COURT: And in that regard, you understand that  
20 you would then be able to cross-examine those witnesses as  
21 they testified in open court, under oath, and in front of a  
22 jury?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you further understand that if you  
25 wanted to, you could present evidence in your own defense, but



1 there is no requirement that you do so?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you also understand that you could  
4 object to any and all evidence that the Government might  
5 attempt to introduce against you at the trial?

6 THE DEFENDANT: Yes.

7 THE COURT: And do you also understand that if you  
8 were to go to trial, you would have the right to testify or  
9 not testify; it would be your choice?

10 THE DEFENDANT: Yes.

11 THE COURT: And in that regard, if you decided that  
12 you did not want to testify in the case, the fact that you did  
13 not testify could not be used against you by anyone for any  
14 purpose?

15 THE DEFENDANT: Yes.

16 THE COURT: And do you also understand that if you go  
17 forward with your plea of guilty here today and if I accept  
18 your plea of guilty, I will enter a judgment finding you  
19 guilty beyond a reasonable doubt and I will impose a sentence  
20 on some future date?

21 THE DEFENDANT: Yes.

22 THE COURT: And do you understand that whatever  
23 sentence I impose is entirely up to me?

24 THE DEFENDANT: Yes, I do.

25 THE COURT: And do you further understand that that

1 is true even though you might have some agreement between you  
2 and the United States relating to sentencing matters?

3 THE DEFENDANT: Yes.

4 THE COURT: All right. Any questions about any of  
5 that?

6 THE DEFENDANT: No, sir.

7 THE COURT: All right. And finally, do you  
8 understand that if you go forward with your plea of guilty  
9 here today, it means you are giving up your right to not  
10 incriminate yourself under the Fifth Amendment of the  
11 Constitution because you will have to admit the facts that  
12 establish a basis for the crime as well as admit the crime  
13 itself?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And is that what you want to do today?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: In relation then to the charges that  
18 bring you here today, have you had the opportunity to review  
19 the indictment with your attorney?

20 THE DEFENDANT: Yes, I have.

21 THE COURT: And as a result of that review, are you  
22 satisfied that you understand everything that's set out in the  
23 indictment?

24 THE DEFENDANT: Yes.

25 THE COURT: Do you have any questions about anything

1 in the indictment?

2 THE DEFENDANT: No.

3 THE COURT: Are you also aware of the range of  
4 punishment that applies to the charges that are set out in the  
5 indictment?

6 THE DEFENDANT: Yes.

7 THE COURT: And have you discussed that with your  
8 attorney as well?

9 THE DEFENDANT: Yes, I have.

10 THE COURT: Any questions about that?

11 THE DEFENDANT: No.

12 THE COURT: For the record, Mr. Tihen, what is the  
13 range of punishment regarding the charges in this matter?

14 MR. TIHEN: As to Count One, it's imprisonment of not  
15 more than 20 years, a fine of not more than \$250,000, or both  
16 such imprisonment and fine, and a period of supervised release  
17 not to exceed five years. The crime charged in Count One does  
18 carry a mandatory minimum sentence of imprisonment of at least  
19 five years. As to Count Two, it is imprisonment of not more  
20 than five years, a fine of not more than \$250,000, or both  
21 such imprisonment and fine, and a period of supervised release  
22 not to exceed five years. As to Counts Three and Four, it is  
23 imprisonment of not more than 20 years, a fine of not more  
24 than \$250,000, or both imprisonment and fine, and again  
25 supervised release not to exceed five years.

1 THE COURT: Did you hear everything that Mr. Tihen  
2 just said?

3 THE DEFENDANT: Yes, I did.

4 THE COURT: And did any of that come as a surprise to  
5 you in any way?

6 THE DEFENDANT: No.

7 THE COURT: All right. Is anyone forcing you to  
8 plead guilty today, Mr. Davis?

9 THE DEFENDANT: No.

10 THE COURT: Has anyone threatened you in any way in  
11 order to compel you to plead guilty?

12 THE DEFENDANT: No, sir.

13 THE COURT: Has anyone promised you anything in  
14 exchange for your plea of guilty today?

15 THE DEFENDANT: No, sir.

16 THE COURT: Has anyone made any threats against any  
17 close friends or family members to compel you to plead guilty  
18 today?

19 THE DEFENDANT: No.

20 THE COURT: Have any of your close friends or family  
21 members threatened you or otherwise coerced you into pleading  
22 guilty today for some reason?

23 THE DEFENDANT: No.

24 THE COURT: Are you then pleading guilty voluntarily  
25 and of your own free will because that's what you want to do

1 in this matter?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right. Now when we began this  
4 proceeding, I made a reference to the Guilty Plea Agreement.  
5 The last page of that document, Mr. Davis, shows your name in  
6 print with a signature above the printed name. Is that your  
7 signature?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And prior to signing the document, did  
10 you review it in its entirety with your attorney?

11 THE DEFENDANT: Yes, I did.

12 THE COURT: As a result of that review, are you  
13 satisfied that you understand everything in the plea  
14 agreement?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you have any questions about anything  
17 in the plea agreement?

18 THE DEFENDANT: No, sir.

19 THE COURT: All right. To be sure we all have the  
20 same understanding of the document, I'm going to have  
21 Mr. Tihen tell us what the substance of the plea agreement is  
22 as it relates to the rights and obligations of the parties.  
23 When he is finished, I will have some questions for you, and  
24 then after that, we will talk about the facts, okay?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: All right.

2 MR. LYNCH: To that end, Your Honor, may we approach?

3 THE COURT: Yes.

4 **(A bench conference Was held on the record and placed under**  
5 **seal; after which, the following proceedings continued in open**  
6 **court:)**

7 THE COURT: Proceed, Mr. Tihen, with the substance of  
8 the plea agreement, the rights and obligations of the parties.  
9 Anything other than what we have already ...

10 MR. TIHEN: Well, Judge, basically outlining the plea  
11 agreement, it's a Rule 11(c)(1)(C) Federal Rule of Criminal  
12 Procedure plea agreement, and Mr. Davis has agreed to plead  
13 guilty to Counts One, Two, Three, and Four of the superseding  
14 indictment. The Government agrees that it will bring no  
15 further prosecution relative to his involvement in a  
16 conspiracy to maliciously damage and destroy by means of an  
17 explosive a building, vehicle, or other property used in an  
18 activity and affecting interstate commerce as well as a  
19 conspiracy to make false and fictitious written statements to  
20 a federally licensed firearms dealer, that is Cabela's, Inc.,  
21 between September of 2014 and November 21, 2014. In addition,  
22 because this is a Rule 11(c)(1)(C) plea, the parties have  
23 agreed that defendant should be sentenced to a term of seven  
24 years' imprisonment on each of Counts One, Three, and Four,  
25 and five years' imprisonment on Count Two, with all those

1 terms to run concurrently. In consideration for this Rule  
2 11(c)(1)(C), the parties have discussed the factors under 18  
3 USC Section 3553(a) and based upon all the facts and  
4 circumstances believe an aggregate sentence of seven years'  
5 imprisonment is an appropriate disposition.

6 THE COURT: All right. Thank you. Mr. Davis, did  
7 you hear all those things as stated by Mr. Tihen?

8 THE DEFENDANT: Yes, I did.

9 THE COURT: And did any of those things come as a  
10 surprise to you just now?

11 THE DEFENDANT: No, sir.

12 THE COURT: All right. Has anyone given you any kind  
13 of a prediction or promise regarding what your sentence is  
14 going to be from me?

15 THE DEFENDANT: No, not at all.

16 THE COURT: And again, you understand that whatever  
17 it is, it is entirely up to me?

18 THE DEFENDANT: I do.

19 THE COURT: And with that as a backdrop, do you want  
20 to proceed with your plea of guilty then?

21 THE DEFENDANT: Yes, I do.

22 THE COURT: All right. Mr. Tihen, tell us then if  
23 you would what the evidence would have been if the matter had  
24 gone to trial that would establish a factual basis for the  
25 charge, the relevant conduct of the defendant, and a basis

1 upon which one might conclude defendant guilty beyond a  
2 reasonable doubt.

3 MR. TIHEN: Yes, sir, and the facts are extensive and  
4 they are set forth between pages 4 and 15 of our plea  
5 agreement. These facts have been arrived at by the parties  
6 and have been reviewed by Mr. Davis as well as Mr. Lynch. But  
7 in summary fashion, August of 2014, Mr. Davis was a frequent  
8 protester in Ferguson, Missouri. It was during that time  
9 frame that he met Mr. Baldwin, and they began to express a  
10 desire to organize protesters. They also discussed and  
11 planned to purchase firearms for other persons that were  
12 involved in these protests. In October 2014, Mr. Davis  
13 indicated to two different convicted felons that he could  
14 introduce them to Mr. Baldwin for the purpose of purchasing  
15 firearms from Cabela's, Inc. here in the Eastern District of  
16 Missouri.

17 On October 16, 2014, Mr. Davis sent via text to  
18 Mr. Baldwin's phone the number -- Mr. Davis sent via text to a  
19 confidential source Mr. Baldwin's phone number. On  
20 October 21st, the confidential source contacted Mr. Baldwin.  
21 He informed Mr. Baldwin that, in fact, he had a felony  
22 conviction, and Mr. Baldwin agreed to conduct a straw purchase  
23 of a firearm for confidential source number 1. On  
24 October 22nd of 2014, Mr. Davis arranged for himself and  
25 confidential source number 2 who was also a convicted felon to



1 purchase firearms through Baldwin at Cabela's, Inc. in  
2 Hazelwood, Missouri. Law enforcement officers were conducting  
3 a pen register at that time and, in fact, confirmed that  
4 contact between Mr. Davis and Mr. Baldwin. Surveillance  
5 officers followed Mr. Davis, Mr. Baldwin, and confidential  
6 source number 2 to the Cabela's store. Inside, Mr. Davis and  
7 confidential source 2 showed Mr. Baldwin what firearms they  
8 wanted him to purchase for them. At that point after viewing  
9 the price, Mr. Davis indicated he didn't have enough money to  
10 pay for the firearm he wanted. Confidential source provided  
11 Mr. Baldwin with \$500. Mr. Baldwin purchased a Smith and  
12 Wesson, Model SD9VE, 9mm pistol bearing serial number HFT6619.  
13 After the purchase, he did turn that firearm over to the  
14 confidential source. It was during the purchase that Baldwin  
15 filled out ATF Form 4473 stating falsely that the firearm was  
16 for him and that he was not purchasing it for another person.  
17 The firearm is designed to expel a projectile by action of an  
18 explosive.

19           During the ride back to Baldwin's residence,  
20 Mr. Davis and Mr. Baldwin discussed purchasing black powder  
21 from Cabela's to use in making bombs. On October 31, 2014,  
22 Mr. Davis again expressed an interest in bombs. On  
23 November 1, 2014, Mr. Davis and CS1 discussed selling firearms  
24 on the streets to generate more profits. Mr. Davis indicated  
25 that they could continue to buy firearms from Brother Brandon,

1 who was Mr. Baldwin, and resell them on the streets for a  
2 profit.

3 On November 5, Mr. Baldwin spoke to CS2 and told CS2  
4 that he, meaning Mr. Baldwin, wanted to build bombs and blow  
5 things up. Mr. Baldwin continued making statements in that  
6 regard. On November 7, 2014, Mr. Davis contacted Mr. Baldwin  
7 to see if he was available to purchase a firearm at Cabela's  
8 for CS number 1. Later that same day, CS number 1 and an  
9 undercover agent met Mr. Baldwin and travelled to Cabela's.  
10 Mr. Baldwin indicated that he could purchase two firearms, two  
11 .45 caliber handguns, for \$400. Mr. Baldwin was supplied the  
12 \$400 and Mr. Baldwin, in fact, made the purchase of two  
13 Hi-Point Firearm, Haskell Manufacturing, Inc., Model JHP, .45  
14 ACP pistols bearing serial numbers X4263774 and X4263775.  
15 Mr. Baldwin during the purchase of these firearms falsely  
16 filled out two ATF Form 4473s stating that the firearms were  
17 for him when, in fact, they were for another person. Upon  
18 exiting the store, Baldwin supplied the two pistols to CS1,  
19 and the CS1 and the undercover agent turned those pistols over  
20 and seized them as evidence. Those pistols are designed to  
21 expel a projectile by action of an explosive.

22 On November 8, 2014, CS1 met with Mr. Davis, and  
23 during this meeting, CS1 told Mr. Davis that Baldwin had  
24 purchased two .45s, to which Mr. Davis responded "good", and  
25 Mr. Davis said CS1 should turn around and try and sell them on

1 the streets for a profit. On November 8, CS2 met with  
2 Mr. Baldwin and asked Baldwin what type of bombs he wanted.  
3 Mr. Baldwin stated "we want two types of bombs," then went on  
4 to indicate that he wanted to purchase at least ten, that he  
5 needed five for people and two for ATMs and another one for  
6 one of them tanks or an armored police vehicle. CS2 asked  
7 Mr. Baldwin if he had to go through and get the approval of  
8 Ali, who was Mr. Davis. Baldwin answered, "Ali is already in  
9 on it, he already know my mindset." Baldwin told CS2 that he  
10 wanted to blow up the headquarters and destroy the  
11 communications of the police department and wanted to get  
12 McCulloch, who is the prosecutor of St. Louis County, Robert  
13 P. McCulloch. Mr. Baldwin also indicated that "we gotta hit  
14 the chief, Chief of Ferguson Police Department, Thomas  
15 Jackson, Thomas Jackson."

16 On November the 11th, 2014, Mr. Davis informed CS1  
17 that he was trying to get a Tech 9, which is a semiautomatic  
18 firearm with a 90-round clip, for CS1 to sell on the streets  
19 for a profit. On November 12th, Mr. Baldwin and CS2 met at  
20 Baldwin's home where Mr. Baldwin viewed a recording of what  
21 appeared to be CS2 detonating a pipe bomb. The agents had  
22 previously set up a controlled explosion and recorded it and  
23 that was shown to Mr. Baldwin, who indicated that "we need  
24 them, we need them". They discussed the price and then  
25 Baldwin asked if Ali, meaning Mr. Davis, had seen the video.

1     Thereafter, CS2 and Mr. Baldwin went to Mr. Davis's residence,  
2     and it was during that visit that Mr. Davis watched the same  
3     video shown to Mr. Baldwin of CS2 detonating the pipe bomb.  
4     Mr. Davis indicated that the pipe bomb was a start, that he  
5     needed to get his paper or money together. Davis did tell CS2  
6     to tell the bomb maker that he was interested, and during this  
7     time frame, Mr. Baldwin and Davis continued to talk about how  
8     to use the bombs.

9             On November 13, 2014, Mr. Davis and CS1 discussed  
10    explosives and where to store them. It was during this  
11    meeting that CS number 1 also gave Mr. Davis \$200 for his role  
12    in introducing CS1 to Baldwin for purposes of the prior straw  
13    gun purchase. On November 14, 2014 -- or November 17, 2014,  
14    CS2 met with Mr. Davis. Davis informed CS2 that he wanted  
15    one, meaning pipe bomb, to test it out. Mr. Davis indicated  
16    he wanted instructions on how to use the device. Mr. Davis  
17    also asked if CS2 had any examples of bigger shit, meaning  
18    larger bombs. Mr. Davis indicated to CS2 that the purchase of  
19    the pipe bombs was "definitely a go, man, you let me know when  
20    I can get it." Mr. Davis indicated that he would be good to  
21    go and could take delivery on Friday, November 21, 2014.  
22    Mr. Davis indicated that he wanted CS2 to tell the bomb maker  
23    that he needed to make sure it goes boom. And Mr. Davis  
24    indicated, "On that note, we need that" -- meaning the pipe  
25    bomb -- "to happen".

1           On November the 18th, 2014, CS2 met with Mr. Davis.  
2       Mr. Davis said he wanted some, meaning bombs, for cars, and  
3       that he also indicated that if the bomb could do a structure,  
4       then it could do basically almost anything. Mr. Davis advised  
5       he wanted to be able to detonate the bomb from a distance and  
6       he wanted a trigger on the bomb to, quote, you just hit it and  
7       boom. He went on to reiterate that he didn't want to  
8       trigger -- or he wanted a trigger and not a fuse. At this  
9       meeting, Mr. Davis gave confidential source number 2 a deposit  
10      for one pipe bomb and stated "I need it ASAP, brother. I need  
11      them mother fuckers ASAP." During that meeting, Mr. Davis  
12      used his mobile phone to call Mr. Baldwin to ascertain whether  
13      Mr. Baldwin would be free to meet and talk. Agents had a pen  
14      register or looked at toll records and, in fact, confirmed  
15      that call. Later on that same date, CS2 again met with  
16      Mr. Davis. During this meeting, Mr. Davis agreed to buy three  
17      bombs and that he would give the down payment and then Friday  
18      would come up with the rest of the money.

19           On November 19, 2014, Mr. Baldwin met with CS2. It  
20      was during this time frame that Mr. Baldwin told Mr. Davis  
21      that he wouldn't know if he could do something regarding the  
22      bomb until at least Friday. Mr. Davis again reiterated that  
23      the deal could be done after midnight on Thursday and into  
24      Friday morning. On November 20, 2014, Mr. Davis and CS2 spoke  
25      on the phone. CS2 indicated to Mr. Davis that he, meaning the

22

1 bomb maker, was in town. Mr. Davis replied "1:00 a.m.?", and  
2 arrangements were made for CS2 to pick up Davis at midnight.  
3 It's also during this -- or later call that Mr. Davis was told  
4 that Brandon Baldwin was coming along.

5 On late November 20, 2014 and into Friday, November  
6 21st of 2014, CS2 and Baldwin drove to Mr. Davis's residence.  
7 From there, they drove to a QT gas station where at  
8 approximately 1:00 a.m. on the 21st, Mr. Davis withdrew the  
9 remainder of the money. Mr. Davis inquired as to how the  
10 bombs would be packaged, and CS2 indicated all he knew was  
11 that they would be in the car. And when they arrived at the  
12 location, which was at an industrial park in Hazelwood,  
13 Missouri, CS2 and Mr. Davis exited the car. The confidential  
14 source went to an individual who was standing nearby, and that  
15 was an undercover agent who was acting as the bomb maker. CS2  
16 took the money that Mr. Davis had given him and gave it to the  
17 undercover agent at which point the undercover agent remotely  
18 unlocked the SUV that was parked on the lot. Mr. Davis went  
19 to the rear of the SUV and located inside were three inert  
20 pipe bombs. Mr. Davis reached inside the rear of the SUV,  
21 collected all three inert pipe bombs, and placed them inside a  
22 bag. At that point, both subjects were arrested.

23 Mr. Davis acknowledges that he conspired to purchase  
24 and use explosives to maliciously damage and destroy a  
25 building, vehicle, or other property used in an activity

1 affecting interstate commerce. Mr. Davis was advised of his  
2 Miranda rights and indicated that he was there to purchase  
3 three pipe bombs that he had previously made a down payment  
4 and supplied the remainder of the money that night. That  
5 along with the extensive facts set forth in the plea agreement  
6 would be the evidence the Government would present at trial.

7 THE COURT: Thank you, sir. Mr. Davis, did you hear  
8 all those facts stated by Mr. Tihen?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And regarding Count One, are all those  
11 facts true and correct?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Do you agree and admit regarding Count  
14 One then that you knowingly and intentionally conspired with  
15 one or more persons to maliciously damage or destroy or  
16 attempt to damage or destroy a building, vehicle, or other  
17 real property used in interstate or foreign commerce by means  
18 of an explosive?

19 THE DEFENDANT: Yes.

20 THE COURT: How do you plead?

21 THE DEFENDANT: Guilty, sir.

22 THE COURT: And regarding Count Two, are all those  
23 facts true and correct?

24 THE DEFENDANT: Yes.

25 THE COURT: Do you then agree and admit regarding

1 Count Two as to the aspect of making a false written statement  
2 to a federally licensed firearms dealer that you knowingly and  
3 intentionally conspired with one or more persons to make a  
4 false written statement to a federally licensed firearms  
5 dealer?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you agree and admit that the false  
8 statement was made in connection with the acquisition of a  
9 firearm?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: And furthermore, that the statement was  
12 intended or likely to deceive such firearms dealer with  
13 respect to a fact material to the lawfulness of the sale of  
14 the firearm to you?

15 THE DEFENDANT: Yes.

16 THE COURT: And as to the element or aspect of  
17 transferring firearms knowing that the person or persons  
18 receiving the firearms had been convicted of a crime  
19 punishable by imprisonment for a term exceeding one year, do  
20 you agree and admit that you knowingly and intentionally  
21 conspired with one or more persons to sell or otherwise  
22 dispose of a firearm?

23 THE DEFENDANT: Yes.

24 THE COURT: And that you did so to do that to another  
25 person who at that time had been convicted of a crime



1 punishable by imprisonment for a term exceeding one year?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you also agree and admit that you at  
4 the time of the sale or disposition knew or had reasonable  
5 cause to believe that the other person had been convicted of a  
6 crime punishable by imprisonment for a term exceeding one  
7 year?

8 THE DEFENDANT: Yes.

9 THE COURT: How do you plead regarding Count Two?

10 THE DEFENDANT: Guilty, sir.

11 THE COURT: As to Count Three, were all those facts  
12 true and correct?

13 THE DEFENDANT: Yes.

14 THE COURT: Do you then agree and admit regarding  
15 Count Three that you knowingly made a false written statement  
16 to a federally licensed firearms dealer?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you also agree and admit that the  
19 false statement was made in connection with the acquisition of  
20 a firearm?

21 THE DEFENDANT: Yes.

22 THE COURT: And finally, do you agree and admit that  
23 the statement was intended or likely to deceive such firearms  
24 dealer with respect to a fact material to the lawfulness of  
25 the sale of the firearm to you?

1 THE DEFENDANT: Yes.

2 THE COURT: How do you plead regarding Count Three?

3 THE DEFENDANT: Guilty.

4 THE COURT: And finally regarding Count Four, were  
5 all those facts true and correct?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Do you then agree and admit that you  
8 knowingly made a false written statement to a federally  
9 licensed firearms dealer in Count Four?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you also agree and admit that the  
12 false statement was made in connection with the acquisition of  
13 a firearm?

14 THE DEFENDANT: Yes.

15 THE COURT: And finally regarding Count Four, do you  
16 agree and admit that the statement was intended or likely to  
17 deceive such firearms dealer with respect to a fact material  
18 to the lawfulness of the sale of the firearm to you?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: How do you plead regarding Count Four?

21 THE DEFENDANT: Guilty, sir.

22 THE COURT: Mr. Lynch, do you know of any reason why  
23 the Court should not accept your client's pleas of guilty in  
24 Counts One through Four inclusive?

25 MR. LYNCH: No, Your Honor.

1 THE COURT: Mr. Tihen?

2 MR. TIHEN: No, sir.

3 THE COURT: Let the record then reflect that the  
4 Court will now enter its order and findings that the defendant  
5 is entering each plea of guilty knowingly, voluntarily, and of  
6 his own free will with full understanding of the nature and  
7 consequences of each plea of guilty as to Counts One through  
8 Four inclusive; furthermore, that the defendant is entering  
9 his plea of guilty and knowingly and voluntarily waiving his  
10 rights to a trial by jury and all rights incident thereto as  
11 they relate to each count, further finding that the defendant  
12 is fully cognizant of the range of punishment applicable to  
13 the charges set forth in Counts One through Four inclusive.  
14 The Court accepts the defendant's pleas of guilty as to each  
15 count and enters its judgment finding the defendant guilty  
16 beyond a reasonable doubt as to Count One, guilty beyond a  
17 reasonable doubt as to Count Two, guilty beyond a reasonable  
18 doubt as to Count Three, and finally guilty beyond a  
19 reasonable doubt as to Count Four. Sentencing will be  
20 deferred and a presentence investigation report will be  
21 ordered. Sentencing will, therefore, be set for August 31st  
22 at 10:45 in the morning. Anything else, Mr. Lynch?

23 MR. LYNCH: No, sir. Thank you.

24 THE COURT: Mr. Tihen?

25 MR. TIHEN: No, Your Honor.

1 THE COURT: Thank you. Mr. Davis, we will see you  
2 back on that date at 10:45 in the morning then, all right?

3 THE DEFENDANT: Yes, sir. Thank you.

4 THE COURT: That will conclude this proceeding.

5 **(PROCEEDINGS CONCLUDED AT 11:50 A.M.)**  
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CERTIFICATE

I, Angela K. Daley, Registered Merit Reporter and  
Certified Realtime Reporter, hereby certify that I am a duly  
appointed Official Court Reporter of the United States  
District Court for the Eastern District of Missouri.

I further certify that the foregoing is a true and  
accurate transcript of the proceedings held in the  
above-entitled case and that said transcript is a true and  
correct transcription of my stenographic notes.

I further certify that this transcript contains  
pages 1 through 28 inclusive and that this reporter takes no  
responsibility for missing or damaged pages of this transcript  
when same transcript is copied by any party other than this  
reporter.

Dated at St. Louis, Missouri, this 9th day of January,  
2018.

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/S/Angela K. Daley  
Angela K. Daley, CSR, RMR, FCRR, CRR  
Official Court Reporter